



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 500  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

**SDMS Document ID**



**2022821**

DEC 3 - 2004

Ref: ENF-RC

Chris Anaya  
2056 Portsmouth Drive  
El Dorado Hills, CA 95762

Re: Freedom of Information Act Request  
Libby Asbestos Site (#BC)  
No. 08-RIN-45-05

Dear Mr. Anaya:

This letter is in response to your Freedom of Information Act request for certain documents concerning the Libby Asbestos Site in Libby, Montana. Specifically, you requested the administrative records on CD and a substantial number of hard copy documents. On November 23, 2004, Kelcey Land of my office discussed your request with you and clarified what you wanted. Pursuant to that conversation, EPA is transmitting to you the releasable documents in the Libby Asbestos site file, which also contains the administrative record for the Site, on CD. Further, you agreed that you do not want the hard copies of documents listed as 1-32 in your letter at this time. There is no charge for the site file CDs.

If you have any questions, please contact Kelcey Land at 303-312-6393.

Sincerely,

Sharon Kercher, Director  
Technical Enforcement Program

cc: Vicki Ferguson, FOIA Officer  
Dayle DeArvil, ENF-L  
Jim Christensen, EPR-SR



Printed on Recycled Paper

Freedom of Information Act Request  
08-RIN-00045-05

Requestor: CHRIS ANAYA Request Date: 11/15/2004  
Company: Date Received: 11/15/2004  
Acknowledged: 11/15/2004  
Fee Category: Commercial

Subject: LIBBY, MT, W.R. GRACE DOCUMENTS

Lead Office: 08-EPR

Assigned to: 08-EC/EJ, 08-EPR, 08-MO

Original Due Date: 12/14/2004

New Due Date:

Track: SIMPLE

Fee Waiver  
Requested:

NO

FIS Initials: VF

SPECIAL INSTRUCTIONS:

P/S call ASAP  
w/ cost estimate  
x 6940

IF COSTS ARE EXPECTED TO EXCEED  
\$25, CONTACT REQUESTER FOR  
PAYMENT COMMITMENT BEFORE  
PROCESSING REQUEST.

REC'D BY:

DATE

Left message  
w/ someone who  
answered the phone  
11/22 12pm

Talked w/ requester  
will send site  
file CDs only -  
we dropped the  
1st of the  
request 11/23/04

Assigned to  
answered Kelley Land  
this FOIA -  
no charges from  
EAR

November 9, 2004

2056 Portsmouth Drive  
El Dorado Hills, CA 95762

Vicki Ferguson  
USEPA, Region VIII  
999 18<sup>th</sup> Street, Suite #300  
Denver, Colorado 80202

EPR Lead  
ENF  
MO

(8) RIN 45-05-

**RE: Freedom Of Information Act Request--Total of 4 pages, including this page**

Dear Vicki:

I hereby request, under F.O.I.A., to receive a copy of the entire administrative record for the Libby, Montana, asbestos site in its C.D. format.

In addition to the complete administrative record on C.D., I also request to receive, in hard copy form, the following documents and reports:

1) June 7, 1973 memo from W.R. Grace's Julie Yang stating PLM was not helpful in identifying asbestos in vermiculite but SEM was ;

2) W.R. Grace's 1976 letter to OSHA claiming its Tremolite Asbestos was not commercial asbestos, therefore, should be treated differently than other types of asbestos;

3) Any and all letters, reports, memoranda, notes, photos, drawings to and from the Montana State Health Department's "Division of Disease Control" (please include all of Benjamin Wake's documents, to and from);

4) Any and all correspondence to and from W.R. Grace employee, Mr. Earl Lovick, but not limited to the following:

a) All documents from medical staff to Mr. Earl Lovick informing him X-rays results showed workers exhibited symptoms of lung disease (please include 7/20/59 correspondence and any response).

b) 7/20/59 memo from Earl Lovick to Zonolite Headquarters informing management of lung abnormalities discoveries, and his letter to C.A. Pratt, Vice President of Western Mineral Products disclosing "Asbestos is a cause of asbestosis, which has been a matter of concern."

c) 6/14/61 letter from Lovick to Pratt warning him "There is, of course, asbestos present in the concentrates we ship to our expansion plants."

5) Any and all documents to and from L.J. Venard, former Board of Director of Zonolite;

would  
also  
like  
site  
file

6) Any and all documents to and from Zonolite President J.A. Kelly which refers to asbestos, illness, disease, dust generation, or problems with asbestos program disrupting vermiculite operations. Please include Earl Lovick's December 1962 correspondence to Kelly, and Kelly's February 1963 response.

7) Any and all memos or letters to and from W.R. Grace & Company's Corporate Safety Chief, Mr. Peter Kostic. Please include documents from Kostic which recommends re-assigning employees whose x-rays showed sign of disease;

8) Any and all documents to and from employee Butch Bleich;

9) 1965 internal memo of W.R. Grace & Company disclosing air monitoring had detected asbestos "in downtown Libby on many dry days."

10) Any and all letters and documents to and from W.R. Grace & Company's insurance carrier, Maryland Casualty Company of Portland Oregon, expressing concern or invoking asbestos, asbestos contamination, asbestos spread, health risk, confidential records, or company's conduct;

11) 1969 internal Grace memo from R.M. Vining to President Grace warning him that Tremolite Asbestos "is definitely a health hazard."

12) W.R. Grace & Company's 1969 confidential study of Zonolite/Libby Employees in its assessment of asbestos disease among employees;

13) 11/22/69 Grace memo T.F. Egan to R.W. Starrett expressing concern of Selikoff's reported findings;

14) Letter from Dr. Richard Irons to Grace's health director Henry Eschenbach, warning him of illness among Grace workers--please include Henry Eschenbach's response;

15) Letter from Dr. Henry Eschenbach to Libby Mine manager R.L. Oliverio warning Oliverio that Eschenbach believed Dr. Richard Irons could be trouble and was trying to make the Libby Hospital, "a Mount Sinai of the West.;"

16) 4/3/79 letter from Dr. Richard Irons to Grace saying workers were dying and requested a health study;

17) Any and all correspondence to and from all Zonolite expansion and packaging plants throughout the United States and others countries relative to concern of asbestos or adverse health effects to workers;

18) Grace 1971 internal memo stating 20 of its expansion plants were in violation of pollution-control laws in their respective states;

19) September 1971 memo relative to the Construction Products Division could not afford to fix

all vermiculite safety concerns throughout country;

20) The November 1971 memo from F.W. Easton of Zonolite plant of Weedsport, N.Y. Grace Headquarters which states "It is safe to say I have procrastinated on answering the notice of violation" in reference to violation to pollution control laws;

21) The extensive May 24, 1977 internal memo from Grace executive E.S. "Chip" Wood discussing Tremolite, in-house mortality survey, government regulators, commercial asbestos vs. non-commercial asbestos. Please include any appendix to the document which states Grace was aware that exposures "can be high" in workers' homes;

22) November 26, 1980 Grace memo produced by Grace Construction Products Division executive R.H. Locke proposing a strategy to delay/obstruct NIOSH through a new health study of Libby operations;

23) Report titled, "Priority Review Level 1 Report—"Asbestos Contaminated Vermiculite," dated June 1980;

24) Report titled, "MRI-82—"Collection, Analysis and Characterization of Vermiculite Samples," September 1982;

25) Report titled, "Exposure Assessment for Asbestos-Contaminated Vermiculite," dated February 1985;

26) Report titled, "Health Assessment Document for Vermiculite," dated September 1991

27) Any and all correspondence to and from EPA OSHA, NIOSH, MSHA and CPSC regarding asbestos, asbestos exposure, asbestos contamination, worker exposure, illness and death relative to W.R. Grace & Company's, Zonolite's, or Monokote's Vermiculite in Libby or elsewhere throughout country or out;

28) Any and all letters to and from Dr. Alan Whitehouse and W.R. Grace & Company;

29) Any and all documents in reference to President Reagan's "Private Sector Survey on Cost Control," AKA, "The Grace Commission," or documents relating to W.R. Grace & Company's CEO J. Peter Grace's participation as Chair on that commission as it relates to W.R. Grace & Company.

30) 1964 letters to and from the Canadian Government (Dr. H. Siemons) and Grace regarding large quantity of dust from a Grace-licensed expansion plant located in Calgary and its examination of its workers found "breathing abnormalities" and "breathing difficulty is most unusual and puzzling."

31) December 1968 letter from Grace Zonolite manager N.F. Bushell to Grace Headquarters about asbestos found in ore from Libby and its "unnecessary health hazard."

31) December 1968 letter from Dr. W.E. Park of Minneapolis City Health Department to Grace's Pratt about asbestos problem and death of a worker at the Western Mineral Product Plant.

32) All other letters to and from Dr. W.E. Park of Minneapolis City Health Department and W.R. Grace & Company, especially correspondence which took place in 1961.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Anaya".

Chris Anaya

(916) 939-7000

Fill Out Part 2 - **EVEN** if requester was NOT billed.

1. Use this table to figure **FOIA billable charges** to requester

**Costs** Clerical Staff - \$4.00/15 minutes  
Professional Staff - \$7.00/15 minutes  
Manager's Time - \$10.25/15 minutes  
**Photocopies** \$.15/page (double-sided \$.30)  
**Authentication** Actual Time to Complete + \$1 EACH for Seal & Ribbon

**NEW:** No Fee Charged for <\$14.00

Bills sent between \$14.01-25.00, NO payment assurance required

Assurance of payment from requester for amounts >\$25.00

\*\*\*\*\* CHARGES OVER \$250 MUST BE PREPAID \*\*\*\*\*

Time	Amount \$	Task
		Search & Review
N/A		# of Photocopies - (Color Copies Extra)
		\$2.25 Cost of Disk/Mailer
		Computer System Time
N/A		Authentication Time + \$1 Each for Seal & Ribbon
TOTAL	\$ <u>0</u>	

2. Use this table to figure **administrative costs** to government.

When billable costs DO NOT meet billing threshold, only fill in Admin. Cost Section

Administrative cost figured in 1 minute increments x employee salary - FOR ALL EMPLOYEES INVOLVED IN RESPONDING TO FOIA. NOT BILLED TO REQUESTER.

Time	Amount \$	Task
1 min		Initially read FOIA
		Search & Review
		Photocopying time/costs (\$.15/page)
		Authentication
20 min		Phone call(s) to REQUESTER
		Phone calls to FOIA Office, colleagues, attorneys
		Typing & proofing letter/envelope
		Proof & Sign FOIA + ALL Concurrences
		"Other" time spent on FOIA
		Computer Time/Programming Costs
		Maps/Disks/CD ROM, Photos, Etc. Costs
TOTAL	\$	

Please complete & return to your **FOIA COORDINATOR** with a copy of FOIA closeout letter.

I certify that I have submitted a bill on FOIA Central if there are charges as noted in Section 1:

Signature of Preparer/MailCode: Kelley Sand

**EPA FOIA POLICY: To make the fullest possible disclosure of information without unjustifiable expense or unnecessary delay to any requestor.**

**FOIA AUTHORITY: 5 U.S.C. 552-EPA REGULATIONS TITLE 40 CFR, CHAPTER 1, PART 2  
SEE EPA FOIA MANUAL 1550 FOR ADDITIONAL GUIDANCE**

**CHARGES EXCEEDING \$250.00 ARE TO BE PREPAID BY REQUESTER!!**

FOIA EXEMPTIONS	FOIA FEE SCHEDULE	FOIA FEES (continued)
<p>FOIA establishes nine exemptions which provide the only basis for withholding information. The exemptions may apply singly or in combination to a given request.</p> <p><b>EXEMPTION 1</b> Matters of National Defense or Foreign Policy</p> <p><b>EXEMPTION 2</b> Internal Agency Rules</p> <p><b>EXEMPTION 3</b> Information Exempted by Other Statutes</p> <p><b>EXEMPTION 4</b> Trade Secrets, Commercial, or Financial Information (Confidential Business Information)</p> <p><b>EXEMPTION 5</b> Privileged Inter- or Intra-Agency Memoranda</p> <p><b>EXEMPTION 6</b> Personal Privacy</p> <p><b>EXEMPTION 7</b> Records or Information Compiled For Law Enforcement Purposes</p> <p><b>EXEMPTION 8</b> Records of Financial Institutions</p> <p><b>EXEMPTION 9</b> Geological or Geophysical Information and Data Concerning Wells</p>	<p><b>Manual and Computer Search for Records:</b></p> <p>EPA Employees: for each 1/4 hour or portion thereof:</p> <p>Clerical: \$4.00/15 min.</p> <p>Professional: \$7.00/15 min.</p> <p>Manager's: \$10.25/15 min.</p> <p><b>Contractor Employees:</b></p> <p>Actual charges up to but not exceeding the rate charged had EPA employees conducted the search.</p> <p><b>PLUS:</b> Contractor operators (actual charges up to but not exceeding the rate charged had EPA employees conducted the search).</p> <p><b>PLUS:</b> Actual computer resource usage charges.</p> <p><u>Search/Review of Records (EPA Employees):</u></p> <div data-bbox="783 1079 1421 1156" style="border: 1px solid black; padding: 5px;"> <p><b>NEW:</b> Charged for each 1/4 hour; must spend <b>HALF</b> of the 1/4 Hour In Order to Charge:</p> </div> <p><b>Reproduction of Documents:</b></p> <p>(Paper copy of paper original): \$0.15 per page</p> <p>Computer Printouts: \$0.15 per page</p> <p><b>Certification or Authentication of Records (by Office of Regional Counsel):</b> Actual Cost!</p>	<p><b>FEES WILL BE ASSESSED ACCORDING TO THE 4 CATEGORIES OF REQUESTS:</b></p> <p><u>COMMERCIAL USE REQUEST:</u></p> <p>Requestor charged for search, review, and duplication costs.</p> <p><u>EDUCATIONAL AND NON-COMMERCIAL SCIENTIFIC INSTITUTIONS</u></p> <p>Requestor charged for duplication costs excluding the first 100 pages (NO fee will be charged for search or review time).</p> <p><u>REPRESENTATIVES OF THE NEWS MEDIA</u></p> <p>Requestor charged for duplication costs excluding the first 100 pages (NO fee will be charged for search or review time).</p> <p><u>ALL "OTHER" REQUESTS:</u></p> <p>Requestor charged for search and duplication time excluding the <b>FIRST 2 hours of search time and the FIRST 100 pages of duplication.</b></p> <p><i>No fee will be charged if the total fee under any category is less than \$14.00.</i></p>